

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Amendment of Section 73.202(b),)	
FM Table of Allotments,)	MM Docket No. 99-331
FM Broadcast Stations.)	RM-9848
(Madisonville and College Station, Texas,)	
Giddings, Texas, and Bay City, Columbus, Edna,)	
Garwood, Palacios, and Sheridan, Texas))	

**MEMORANDUM OPINION & ORDER
(Proceeding Terminated)**

Adopted: May 4, 2005

Released: May 6, 2005

By the Assistant Chief, Audio Division, Media Bureau:

1. The Audio Division has before it the “Motion to Dismiss Counterproposal and Withdraw from the Proceeding,” submitted by Garwood Broadcasting Company (“Garwood”) on July 29, 2004. Previously, Garwood had filed a petition for reconsideration of our *Report and Order*,¹ specifically with respect to our rejection of Garwood’s counterproposal in this proceeding.

2. Citing changed circumstances, Garwood now seeks dismissal of its petition for reconsideration, its counterproposal, and all other pending pleadings submitted on its behalf in this proceeding.² Garwood includes with its motion a signed declaration by its principal, Roy E. Henderson, stating that neither Garwood nor any principal of Garwood has received, or will receive, any money or other consideration in exchange for its request to dismiss its counterproposal and to withdraw from the proceeding.

3. This document is not subject to the Congressional Review Act. (The Commission, is, therefore, not required to submit a copy of this Report and Order to GAO, pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A) because the proposed rule was dismissed.

4. Accordingly, IT IS ORDERED, That the motion of Garwood Broadcasting Company seeking to withdraw from this proceeding IS GRANTED; and

¹ *See Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Madisonville and College Station, Texas, Giddings, Texas, and Bay City, Columbus, Edna, Garwood, Palacios, and Sheridan, Texas)*, 18 FCC Red (MB 2003).

² In accordance with Section 1.420(j) of the Commission’s Rules, (47 C.F.R. § 1.420(j)), Petitioner states that he has not nor will not receive, either directly or indirectly, any money or other consideration in excess of legitimate and prudent expenses in connection with the dismissal of his petition.

5. IT IS FURTHER ORDERED, That the petition for reconsideration, counterproposal, and all pending pleadings submitted on behalf of Garwood Broadcasting Company ARE DISMISSED; and

6. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

7. For further information concerning this proceeding, contact Deborah A. Dupont, Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief
Audio Division
Media Bureau